P.R. No. 182/06
Presented by Shri Ajit Verma
dated 12/1/06

(1) (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT PETITION NO. 181 /2006

Yogesh Kumar Kosariya,
S/o- Late Pardeshi Ram Kosariya,
Aged about 24 years,
R/o- Village - Ashra, P.O. Khertha Bazar,
Tehsil – Dondi Lohara, Distt. Durg,
Chhattisgarh. **PETITIONER**

VERSUS

1. State of Chattisgarh,
Through-Secretary,
Deptt. Of General Administration,
Mantralaya, Raipur,
Chhattisgarh.

2. Secretary,
Deptt. of Education,
D.K.S. Bhawan, Mantralaya,
Raipur, CG.

3. State of Madhya Pradesh,
Through-Secretary,
Genera Administration Deptt.,
Secretariat- Bhopal,
M.P.

4. District Education Officer,
Durg, Distt. Durg,
Chhattisgarh.

5. Union of India,
Throgh-Director,
Departmemt of Personnel, Training and
Public Grievances,
Lok Nayak Bhawan, Khan Market,
New Delhi. **RESPONDENTS**

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT IN THE NATURE OF MANDAMUS, CERTIORARI ETC.

(44)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 181/2006 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

16-1-2006

Petitioner by Shri Pankaj Shrivastava, Advocate.

Shri Vivek Sharma, Panel Lawyer, for the State/respondents.

Shri S.K. Beriwal, Sr. Panel Lawyer for the Union of India.

With consent, heard finally.

This case relates to compassionate appointment consequent upon the death of an employee serving in the State.

Learned counsel for the petitioner categorically stated that, the death of the employee has occurred on 15-8-2000 i.e. after 1-11-1997 and not earlier. It is further submitted that in batch of cases bearing W.P. No.1322/2002 involving the same question orders have been passed by this Court on 20/12/2005. He prays that similar orders may be passed in this case also.

Learned counsel for the State does not dispute the above fact and states that the State of Chhattisgarh has taken a decision to consider the cases of dependants of those employees who died on or after 1/11/1997 strictly in accordance with the policy prevalent at that time. He however submits that four months time for issuing necessary orders may be given.

In view of the submissions made by learned counsel appearing for the parties, without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the State of Chhattisgarh and the authorities concerned to consider and decide the case of the petitioner in accordance with the policy prevalent at the time of death of the employee concerned. If the petitioner found eligible, appointment orders will be issued as early as possible preferably on or before 31st May, 2006. The petitioner is also directed to render due co-operation to the authorities. It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law including filing of the petition before this Court.

With the aforesaid observations, this petition stands disposed of.

Certified copy as per rules.

Copy to the State counsel, who will be obliged to communicate the order to the respondents for compliance.

Sd/-
Fakhruddin
Judge

Pathak
16.2.06

[पीछे देखिये